

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS - ALL DIVISIONS

DATE: MARCH 2, 2010

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN
BENTLEY
STEC
CHAMPAGNE
PITKIN
LOEB
MCCOY
CONOVER

OTHERS PRESENT:

WILLIAM LAMY, SUPERINTENDENT OF PUBLIC WORKS
JEFFERY TENNYSON, DEPUTY SUPERINTENDENT OF ENGINEERING
TODD BEADNELL, DEPUTY SUPERINTENDENT OF OPERATIONS
PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD
FREDERICK MONROE, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ATTORNEY
JOAN SADY, CLERK
JOANN MCKINSTRY, DEPUTY COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES

COMMITTEE MEMBER ABSENT:

SUPERVISOR MERLINO

KEVIN GERAGHTY, BUDGET OFFICER

SUPERVISORS TAYLOR
THOMAS

JULIE PACYNA, PURCHASING AGENT
STEVEN BABCOCK, C&S COMPANIES
RICH SCHERMERHORN, RICH AIR
VICTOR MACRI, FOREST ENTERPRISES MANAGEMENT, INC.
JOHN FALVO, FOREST ENTERPRISES MANAGEMENT, INC.
MIKE FAZIO, PRESIDENT, SOUTHERN ADIRONDACK SNOWMOBILE CLUB
JIM VALASTRO, OWNER OF THE ADIRONDACK BAR & GRILL
ALEXANDER GABRIELS, TOWN OF BOLTON RESIDENT
JOANNE SMITH, WARREN COUNTY RESIDENT
DAVID CEDERSTROM, *THE CHRONICLE*
DON LEHMAN, *THE POST STAR*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Belden called the meeting of the Public Works Committee to order at 9:30 a.m.

Motion was made by Mr. McCoy, seconded by Mr. Pitkin and carried unanimously to approve the minutes from the February 12th Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to William Lamy, Superintendent of Public Works, who noted that he would begin the meeting with a review of the Airport agenda, copies of which were distributed to the Committee members; *a copy of the Airport agenda is also on file with the minutes.* Mr. Lamy advised that Don DeGraw, Airport Manager, was not present because he was attending a the Annual Airport Conference in Hershey, PA.

Commencing the agenda review with New Business Item 2, Mr. Lamy presented a request to authorize Brian Gereau and Derrick Blackmer to travel to Rochester, NY for Annual ARFF (Aircraft Rescue Fire Fighting) Live Fire Training in Rochester, NY on April 12-14, 2010. He noted that this training was required by the FAA (Federal Aviation Administration) and was funded within the 2010 Budget.

Motion was made by Mr. Pitkin, seconded by Mr. Champagne and carried unanimously to approve the travel request as outlined above. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

Moving on to Agenda Item 3, Mr. Lamy introduced Steve Babcock, of C&S Engineers, who was in attendance to present an informational review of the easement acquisition efforts on the Forest Enterprise land parcel, located on the southwest corner of the Airport property. Mr. Babcock distributed packets including several geographical maps of the Airport property, which he proceeded to review for the Committee's benefit. *A copy of the map packet is on file with the minutes.* During the map review, Mr. Babcock pointed out a section of the Forest Enterprises property on which commercial development was being proposed that would interfere with the avigation easement the County sought for the Runway Extension Project. He noted that the map packet also included a document outlining the recommended language for the avigation easement, as well as a flow chart detailing the land acquisition process. Mr. Babcock advised that negotiations with the property owner would be necessary to determine an amicable agreement which would then be presented to the FAA for grant funding. He then assured the Committee that any negotiations or approvals would be contingent upon the receipt of corresponding FAA grant funds. Referring to the Land Acquisition Flow Chart, Mr. Babcock apprised that they were currently at the "Offer to Purchase" step, which included negotiations with the property owner leading to acquisition. He advised that a resolution would be required to authorize the Airport Manager to make a formal offer to the property owner for an avigation easement and Mr. Lamy noted that a resolution request form to this effect was included in the agenda.

Paul Dusek, County Attorney, questioned whether the avigation easement was crucial to Airport operations and Mr. Babcock replied affirmatively, noting that as per FAA regulations, the Runway end sighting surface must be kept clear of obstructions as they dictated where aircraft were permitted to land and the runway length available for use. Mr. Babcock apprised that there were tree obstructions on the Forest Enterprises property that had to be removed as per FAA direction or the runway length could be shortened which would affect air traffic to the Airport by stopping larger planes from landing there; he added that extension of the current runway would increase the number of airspace penetrations to be addressed. When questioned as to why the County would wish to purchase the Forest Enterprises parcel, Mr. Babcock advised that they did not need to purchase the property, but simply required an avigation easement over a portion of the property which would allow the County to remove trees as necessary and would stop any commercial development on the parcel that would interfere with FAA regulations. Mr. Dusek responded that Forest Enterprises had already agreed to allow the County to remove trees as necessary and Mr. Babcock noted that the height of the buildings proposed for the parcel, as well as the number of people that would be massing in those buildings, would cause regulation violations which could lead to the shortening of the runway as the FAA deemed necessary.

Victor Macri, of Forest Enterprises Management, Inc., stated that although the proposed construction was conceptual and subject to change, an avigation easement would place the majority of the project in question as that area would essentially become unusable and would diminish the construction plans. He advised that the property was currently zoned for commercial or industrial development and they intended to develop it for either sale or lease based on this use; he added that the inclusion of an avigation easement would lessen the level of interest in the property as the buyer would have to be willing to forego use of the indicated portion of the property. Mr. Macri concluded that if the County was interested in purchasing the property they could do so for fair market value, but noted that Forest Enterprises was not interested in selling an avigation easement over the property.

Discussion ensued.

Rich Schermerhorn, Fixed Base Operator, stated that although airspace obstruction issues had been present at the Airport for some time, it was important to address and alleviate them as the FAA was becoming more stringent in enforcing their regulations. He said the worst possible outcome for avoiding the matter would be a reduction in air traffic due to a shortening of the current runway which would affect fuel sales and FBO business.

Mr. Conover suggested that an executive session be called to further discuss the offer proposed for the aviation easement.

Motion was made by Mr. Conover, seconded by Mr. Champagne and carried unanimously to enter into executive session to discuss the proposed acquisition of property pursuant to Section 105(h) of the Public Officers Law.

Executive session was held from 10:11 a.m. to 10:18 a.m.

Upon reconvening, Mr. Belden announced that no action had been taken during the executive session.

It was the consensus of the Committee that the matter would be tabled for further discussion at the next Committee meeting to allow Mr. Dusek the opportunity to contact the property owner and determine if alternate solutions were available to the County.

Continuing to Agenda Item 4, Mr. Lamy asked Mr. Schermerhorn to provide the Committee with an update on FBO services. Mr. Schermerhorn apprised that he had met all of the requirements in his contract with the County, including the installation of the self-serve fueling unit which had been constructed and they were simply awaiting a permit authorizing the use of the facility. He noted that installation was not yet complete on the security camera system he had purchased for use at the Airport as they were awaiting the installation of the necessary broadband service by Time Warner Cable to use the system. Mr. Schermerhorn announced that they had achieved a 97% increase in fuel sales for the month of January, which was outstanding considering the fact that the 2009-2010 winter season had been the worst for aviation business in New York State for several years. He said he felt the Airport Manager and his staff were doing a good job operating the facility and noted he and the rest of the FBO staff had been attempting to assist whenever possible in order to compensate for reductions in staffing.

Mr. Belden stated he was very pleased with FBO operations at the Airport and felt that Mr. Schermerhorn was doing a very good job. Mr. Stec agreed with Mr. Belden's statement and asked if there was any new information to present respective to his prior interest in building a larger restaurant facility at the Airport. Mr. Schermerhorn responded that although he was still considering the idea, no decisions had been made with respect to the matter.

Mr. Belden suggested that the May Public Works Committee meeting be held at the Airport to allow the new Supervisors to tour the facility. He added that if need be, a separate meeting could be scheduled to address all other Public Works business at a meeting to be held at the Municipal Center on a different day.

Resuming the agenda review, Mr. Lamy addressed Item 6 which consisted of a request for authorization to reject the low bid for an airport snow blower. He explained that two responses had been received for the snow blower bid, one from HP Fairfield at \$399,592 and the other from William H. Clark at \$438,900. Although the HP Fairfield submission was the lesser of the two bids received, Mr. Lamy advised that it did not meet bid specifications; therefore, he said, they were requesting permission to reject the low bid from HP Fairfield and accept the alternate bid submitted by William H. Clark.

Mr. Belden questioned whether a guarantee of FAA grant funding had been received and Mr. Lamy replied that although the grant funding was anticipated, they would refrain from ordering the snow blower until confirmation of the FAA grant funding was received. When questioned as to the Local Share cost associated with the snow blower purchase, Mr. Lamy advised that the total Local Share for the higher priced equipment would be \$10,972. Mr. Belden noted that once the new equipment was received, the old snow blower would be sold and should garner a sale price equivalent to the Local Share cost.

Motion was made by Mr. Stec, seconded by Mr. Champagne and carried unanimously to approve the request for authorization to reject the low bid for an airport snow blower and to authorize the acceptance of the high bid for such equipment as outlined above, and the necessary resolution was authorized for the March 19th Board meeting. *A copy of the request is on file with the minutes. (Note: Subsequent to the meeting the Airport Manager requested that this request be withdrawn and replaced with a request to reject all bids and authorize a new bid solicitation).*

Mr. Lamy advised that Agenda Item 7 included a request to authorize the Chairman of the Board to enter into an agreement with C&S Engineers for the Runway 12-30 PAPI (Precision Approach Path Indicator) and Surface Painted Holding Position Pavement Markings Project. He said that this work was being supported by a \$36,000 FAA grant which required a \$900 Local Share.

Motion was made by Mr. Pitkin, seconded by Mr. McCoy and carried unanimously to approve the request as outlined above and the necessary resolution was approved for the March 19th Board meeting. *A copy of the request is on file with the minutes.*

Concluding the agenda review Mr. Lamy addressed the listing of items pending from prior Committee meetings which he detailed as follows:

1. Mr. Lamy stated that he had no update to provide relative to the validity of an easement on the Chartrand parcel. Mr. Dusek interjected that the matter had been put on hold pending further discussion with Mr. DeGraw regarding the possibility of acquiring the entire parcel, rather than just an easement. He advised that he would provide further details as they became available; and
2. The status of the self-fueling facility being constructed by Rich Air was addressed earlier in the meeting.

As there was no further Airport business to discuss, Mr. Belden announced that they would begin the DPW portion of the Committee meeting. Mr. Lamy distributed copies of the DPW agenda, a copy of which is also on file with the minutes.

Mr. Lamy began by introducing Todd Beadnell, the newly appointed Deputy Superintendent of Operations. He apprised that Mr. Beadnell would be assuming supervision of the highway portion of the Department's operations, as well as some other duties such as supervising the Warrensburg Maintenance Facility and the Fuel Farm Project. Mr. Lamy then asked Mr. Beadnell to provide an update on the status of the Fuel Farm Project. Mr. Beadnell said he had recently met with the contractor providing installation services for the new fuel monitoring system and had been advised that they were currently involved in programming the system, which would last for about two weeks, following which they would begin the installation process; he added that they expected the installation to be complete by the end of April.

Continuing to the next agenda item, Mr. Lamy advised that agenda pages 2 and 3 included a request to increase the salary of the Deputy Superintendent of Public Works position from \$0 to \$81,042 and to decrease the salary of the Deputy Superintendent of Environmental & Engineering Services from \$81,042 to \$0. He reminded the Committee that upon the retirement of Brian Humphrey, the prior Deputy Superintendent of Highways, some restructuring had occurred to alter the chain of command within the Department. Mr. Lamy explained that he desired for Jeffery Tennyson, Deputy Superintendent of Engineering, to serve as his second-in-command and he was able to offer Mr. Tennyson more authority within the Department by transferring his salary and amending his position title. He noted that this was simply an administrative action suggested by Mrs. Sady and the Civil Service Office and would incur no increase to the County Budget.

Motion was made by Mr. Pitkin, seconded by Mr. Bentley and carried unanimously to approve both the request to increase the salary of the Deputy Superintendent of Public Works position, and to decrease the salary of the Deputy Superintendent of Environmental & Engineering services as outlined above and refer same to the Personnel Committee. *Copies of both requests are on file with the minutes.*

Mr. Lamy apprised that his staff would be meeting in the near future to review the 2010 construction and paving schedules which both Messrs. Tennyson and Beadnell were working diligently to prepare. He noted that any Towns that had not already submitted their 2010 paving requests should do so as quickly as possible so that they could be included in the schedule. Mr. Lamy then asked Mr. Tennyson to provide the Committee with an update as to the development status of the paving and construction schedules.

Mr. Tennyson stated that a core group had been established to work on the development of the paving and construction schedules which included himself; Mr. Beadnell; Kevin Hajos, Senior Civil Engineer and George Van Dusen, Project Engineer. He said the group had been working to schedule the upcoming projects, some of which included specific calendar restrictions for when they could be performed, as well as to determine which projects could be linked and performed in sequence. Mr. Tennyson explained that there were projects in which sections of pavement would be removed, creating millings that would be transported for use in another construction project. He further explained that cohesive scheduling in instances such as this would allow for materials to be transported directly from one job site to another, avoiding the necessity to stockpile materials at the Toney Pit to be transported at a later date; he added that direct transport also allowed the materials to be applied when they were fresh and in their most usable state. Mr. Tennyson said it was important that they receive any remaining paving requests from the Towns as quickly as possible in order to include them for consideration when developing the schedules. Mr. Beadnell interjected that they had yet to receive any paving requests from the Towns of Hague, Johnsburg, Lake George and Thurman. Mr. Tennyson noted that they would appreciate notification if any of these Towns intended to forego paving projects for 2010, as well, to assist with the paving scheduling process.

Discussion ensued.

Resuming the agenda review, Mr. Lamy addressed the snow and ice budget, noting that overtime use through the end of February reflected approximately 50% usage of the average total over the past few winters, regardless of the winter storms that had occurred over the past week.

Mr. Tennyson addressed the next agenda items, pointing out that pages 4 and 11 included requests to amend the contracts with Foit-Albert Associates to authorize extra work authorizations (EWA) in connection with the Grist Mill and Warrensburg (Tannery) Road Bridge Projects. He reminded the Committee that both projects were being funded by Federal Stimulus Grant funding which required no Local Share. Mr. Tennyson said that additional reporting requirements had been instituted by the Federal Highway Administration which required additional paperwork to be completed by Foit-Albert Associates and had prompted the need for an EWA on each project. He concluded that the EWA for the Grist Mill Road Bridge was \$7,067, while the EWA for the Warrensburg (Tannery) Road Bridge was \$8,051, all of which would be supported by Federal grant funding.

Motion was made by Mr. Bentley, seconded by Mr. McCoy and carried unanimously to approve both requests to amend the existing contracts with Foit-Albert Associates for extra work authorizations as outlined above and the necessary resolutions were approved for the March 19th Board meeting. *Copies of both requests are on file with the minutes.*

Continuing with the agenda review, Mr. Tennyson updated the Committee on the status of the Alder Brook Road Bridge Project. He apprised that the final construction design was complete and had been approved by the NYSDOT (New York State Department of Transportation) Region 1 Office and at the February 19th Board meeting a resolution had been approved to authorize the next phase of the grant which included all of the construction monies. Mr. Tennyson said the NYSDOT Region 1 Office had requested authorization from the main NYSDOT office to advertise for construction bids but had yet to receive it based on the direction of the State Comptroller's Office that the State did not currently have the funds available to proceed with this work. The initial indication, he advised, was that this would delay authorization to advertise until an undisclosed date after April 1, 2010; however, he noted, he had subsequently received an email from NYSDOT that the approval could be given as early as mid-March. Mr. Tennyson said a delay in authorization could shorten the construction season by a couple of months, which was a cause for concern because the construction season for this Bridge was already limited by stream restrictions which determined the amount of time work could be done in the stream bed below the bridge.

Mr. Tennyson noted that the Alder Brook Road Bridge was the poorest rated of any bridge in Warren County, including State and Town bridges. He advised that a delay in the advertising process would shorten the construction season and although the project would be started in 2010, it would not be completed and re-opened until the spring of 2011. Mr. Tennyson said the situation was exacerbated by the fact that the Town of Chester had been delayed in replacing one of their bridges which was located on a one-way road beyond the Alder Brook Road Bridge in the northern part of the Town which they were unable to begin work on until the County completed the Alder Brook Road Bridge Project. He further noted that the weight limit on the Alder Brook Road Bridge had already been decreased to 8 tons, which was as low as it could be before a small school bus would no longer be permitted to use it. Mr. Tennyson said he had notified the NYSDOT representatives of this issue, and although they were understanding of the situation, they could not provide authorization until mid-March, at the earliest, which would cause a two week delay that he thought they could work with. However, he stated, if the authorization was received after mid-March, the County's only option would be to proceed with advertising the construction bids without NYSDOT authorization, which could mean that reimbursement for advertising fees could be denied and the County would be liable for the full amount, estimated to be less than \$1,000. Mr. Tennyson said he and Mr. Lamy had discussed the matter and determined that they would wait until mid-March to see if the necessary approvals were received, but sought the Committee's approval to proceed in advertising the bids without approval if necessary in order to further the project for completion in 2010 with the understanding that they could be jeopardizing about \$1,000 in grant funding.

It was the consensus of the Committee that Messrs. Lamy and Tennyson should proceed with their suggested course of action to advertise the construction bids for the Alder Brook Road Bridge Project if NYSDOT authorization was not received by mid-March, regardless of the fact that the associated grant funding for advertising costs might be jeopardized.

Moving on, Mr. Tennyson directed the Committee members to page 18 of the agenda which included a request for funding to complete the Milton Street (Woolen Mill) and Tannery Road Bridge Projects. He explained that although both Bridge Projects had been approved for Federal and State grant funding, the County was required to fund the projects initially and seek reimbursement from the appropriate granting agencies as they proceeded; however, he noted, reimbursement could take two to three months in some cases. Mr. Tennyson continued to advise of the up-front project costs, which were detailed as follows:

Milton Street Bridge Project (Woolen Mill Bridge)	\$3,023,243.97 (Total Construction Cost) 2,418,595.18 (Federal Grant Funding) 453,486.60 (State Funding) <u>151,162.20</u> (Local Share - <i>already funded</i>) \$1,350,000.00 (Approximate up-front cost required)
Tannery Road Bridge Project	\$1,458,009.50 (Total Construction Cost) <u>1,458,009.50</u> (Federal Grant Funding - \$140,000 <i>already expended</i>) \$ 600,000.00 (Approximate up-front cost required)

In response to a question posed by Mr. Belden, Mr. Tennyson advised that a total of approximately \$1.95 million was needed to fund the up-front costs associated with the two bridge projects. Mr. Belden then asked if the County was able to charge the State interest for the use of County dollars while awaiting grant reimbursements and Mr. Lamy replied that he did not feel this would be justified as a reimbursable expense.

Motion was made by Mr. Bentley, seconded by Mr. Pitkin and carried unanimously to refer the matter to the Finance Committee to determine a source of funding for the \$1.95 million in up-front costs needed to fund the Milton Street (Woolen Mill) and Tannery Road Bridge Projects. *A copy of the request outlining the costs is on file with the minutes.*

Mr. Lamy announced that the next agenda item pertained to the repair of a retaining wall on a County bridge located in the Town of Stony Creek. He explained that the retaining wall was comprised of a concrete wall in advanced decay and he noted that the DPW Engineering staff would review the damage further when the water levels had receded in order to determine the extent of the work needed to make repairs. Mr. Lamy said it was their hope that the repair work could be designed and implemented on an in-house basis using existing County staff. He advised that this was an example of the type of work that could be performed by harnessing the capabilities of the enhanced Engineering staff and he noted that if this work had to be contracted to an outside source they would likely incur costs in the neighborhood of \$80,000. Mr. Lamy said that he would keep the Committee apprised as they progressed with this work.

Continuing to the next agenda item, Mr. Lamy presented a request for a new contract with Highway Rehabilitation Corp. for hot in-place pavement recycling services to commence on April 1, 2010 and terminate on December 31, 2010. He noted that although the County had not used these services in the prior year, and it was possible that the services might not be used in 2010, they preferred to retain these contracts in the event that such services became necessary.

Motion was made by Mr. Conover, seconded by Mr. Bentley and carried unanimously to approve the request for a new contract with Highway Rehabilitation Corp. as outlined above and the necessary resolution was authorized for the March 19th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy then presented a request for a new contract with Gorman Brothers, Inc. for paverlaid chip seal/ultra thin hot mix asphalt to commence on April 1, 2010 and terminate on December 31, 2010. He noted that this was the same vendor the County had contracted with for the past two years for crack sealing materials. Mr. Lamy advised that they had expended \$50,000 in 2009 through this contract for crack sealing work and they intended to proceed in this manner again in 2010.

Mr. Belden questioned whether crack sealing work actually helped to maintain the roads and Mr. Lamy replied that it was a temporary fix implemented to preserve the roads until larger sums of money could be appropriated to perform a proper restoration. Chairman Monroe questioned whether Gorman Brothers, Inc. was the sole bidder for these services and Mr. Lamy replied affirmatively, noting that they had been the sole bidder in 2009, as well.

Motion was made by Mr. McCoy, seconded by Mr. Pitkin and carried unanimously to approve the request for a new contract with Gorman Brothers, Inc. as outlined above and the necessary resolution was authorized for the March 19th Board meeting. *A copy of the request is on file with the minutes.*

Proceeding to agenda page 25, Mr. Lamy presented a request for new contracts with the low bidders for bituminous concrete materials. He noted that these were the asphalt contracts awarded to multiple vendors, all of which were utilized throughout the year. Mr. Lamy advised that the bid sheets pertaining to the contracts were following the resolution request form and outlined the cost of each type of asphalt used.

Motion was made by Mr. Bentley, seconded by Mr. Stec and carried unanimously to approve the aforementioned request to award contracts for bituminous concrete materials and the necessary resolution was authorized for the March 19th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy apprised that the next two agenda items pertained to unanticipated costs which were not included in the 2010 Budget and although he was not requesting funding, he wanted the Committee to be aware of both expenses. The first, he noted, referred to the 2010 tax bills received for Town of Queensbury Tax Map Parcel Nos. 309.14-1-83 and 309.14-1-85, totaling \$2,959.81, which were acquired in connection with the Corinth Road Project. Mr. Belden asked if these expenses could be included in the totals for the Corinth Road Project and submitted to the State for grant reimbursement and Mr. Lamy replied that he felt the State would find these to be ineligible costs. When questioned as to why County-owned property was subject to property taxes, Mr. Dusek explained that because the property was acquired by the County after the start of the current tax cycle they were liable for the tax costs, but noted that no future taxes would be owed for the property as it would become tax exempt on the next cycle.

Following a brief discussion, it was the consensus of the Committee that Mr. Lamy should pay both of the tax bills from the DPW budget.

Mr. Lamy apprised that the second unanticipated expense to be discussed referred to an invoice in the amount of \$9,350 from Siemens. He stated that in 2007 the County had authorized Siemens to perform a review of the energy use situation at the Warrensburg DPW Shop which included their analysis, as well as suggestions for improvements at the site. Mr. Lamy said that when the review was commissioned, the County had intended to implement the suggested measures, but had subsequently decided against them. He advised that part of the original agreement had required the County to pay a \$9,350 fee for the services rendered to perform the review if they decided not to enter into a Performance Contracting agreement with Siemens to implement the measures suggested. Mr. Lamy said that he could transfer funds within the existing budget to fund the costs of the invoice, but it would cause a deficit that would have to be addressed at the end of the year.

Mr. Belden questioned what the repercussions would be if they refused to pay the invoice and Mr. Dusek replied that it could result in a lawsuit against the County.

Motion was made by Mr. Bentley, seconded by Mr. McCoy and carried unanimously to refer the matter to the Finance Committee to determine a source of funding for the Siemens invoice.

Proceeding, Mr. Lamy apprised that page 38 of the agenda included a request to amend the County Budget to increase estimated revenues and appropriations in the amount of \$448 to reflect the receipt of unanticipated revenues from the Town of Horicon for the purchase of calcium chloride. He advised that a similar purchase had been made by the Town of Johnsbury and he would present a second request to amend the budget when the payment arrived.

Motion was made by Mr. Bentley, seconded by Mr. McCoy and carried unanimously to amend the 2010 County Budget in the amount of \$448 to reflect the receipt of unanticipated revenues and appropriations and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Concluding the agenda review, Mr. Lamy addressed the listing of items pending from prior Committee meetings, which he detailed as follows:

1. Respective to the Corinth Road Project, Mr. Lamy advised that construction had started and they would be proceeding with the relocation of Big Boom Road in the spring;
2. Mr. Lamy advised that the quarterly budget report would be addressed at the next Committee meeting;
3. No report was provided respective to NYSDEC (New York State Department of Environmental Conservation) requests for work at Scaroon Manor;
4. Mr. Lamy stated that they continued to resolve NYSDEC violations at the North Creek fuel farm and further information would be provided as it became available;
5. No report was provided respective to the Stormwater Officer Position;
6. The Milton Street (Woolen Mill) Bridge was addressed earlier in the meeting;
7. No report was provided respective to the Middleton Bridge;
8. Mr. Tennyson apprised that they were proceeding with ordering materials to construct the new sign for the Municipal Center Building which would be completed and installed in the spring of 2010;
9. No report was provided respective to the Glendale Road right-of-way transfer.

As there was no further DPW business to address, Mr. Belden announced that they would begin the Warren County Sewer portion of the Committee meeting. Mr. Lamy distributed copies of the Sewer Agenda, a copy of which is also on file with the minutes.

Mr. Lamy advised that the portion of the Sewer Project undertaken for the Town of Hague was essentially complete. He noted that the Inter-municipal agreement with the Town of Hague required the transfer of the project to the Town upon completion and the first page of the agenda packet included a listing of items to be corrected and completed under the terms of the contract. Mr. Lamy said that in addition to the Contractor and Engineering firms, the Town of Hague would be asked to review the list in order to ensure their satisfaction with the Project before turning over ownership. He pointed out that page 2 of the agenda included the Certification documentation provided by Clough Harbor & Associates (CHA) which he was required to provide to the EPA (Environmental Protection Agency) and the EFC (Environmental Facility Corporation) for the design and construction inspection. Mr. Lamy stated that agenda pages 3 and 4 included the portion of the agreement that outlined the procedure required to transfer ownership of the project to the Town of Hague. He said that based on conversations with Mr. Belden, he felt they were very close to completing the transfer and wanted to make sure that all of the items listed for completion were addressed before finalizing the matter. Mr. Lamy said it did not appear that a resolution was necessary to relinquish ownership of the Sewer Project to the Town of Hague; however, he noted, if the County Attorney's Office determined this was necessary, he would prepare the proper resolution request form.

At a previous Committee meeting Mr. Champagne had requested a cost summary for the Sewer Project and this

information was provided on the charts included on agenda pages 5 and 6, Mr. Lamy stated. He noted that the charts included all costs incurred from the start of the Sewer Project and were broken down by Municipality, as well as to reflect Phase 1 and Phase 2 costs. Referring to the portion of the chart included on agenda page 6, Mr. Lamy pointed out a figure of \$309,771.53 which represented the remaining funds allocated to the Town of Bolton for their portion of the Sewer Project. Additionally, he noted that there might be an additional \$100,000 remaining which had been earmarked for administrative costs, but said he needed to review the matter further to confirm this. Mr. Lamy stated that he hoped to have a firm figure available for presentation at their next meeting at which point the Committee would determine how the remaining funds would be expended.

Mr. Lamy directed the Committee members to agenda page 7 which included a request to authorize the Chairman of the Board to sign a contract with CT Male Associates for an EWA in the amount of \$32,000. He explained that the increase in the scope of services pertained to the rehabilitation of approximately 2,500 linear feet of the Town of Bolton's existing wastewater collection main through the use of slip-lining technology as proposed by CT Male Associates. Mr. Lamy noted that the proposal provided by CT Male was included in the agenda and outlined the engineering, construction administration and construction inspection services for the work, the total cost of which would be \$32,000 and he proposed the use of funds remaining in the Town of Bolton Sewer Project to support these costs. He said that with the Committee's approval he intended to submit CT Male's proposal and a brief project description to the EPA in order to determine whether the project would be grant eligible, in which case they would proceed to implement the entire project utilizing the remaining grant funds for the Town of Bolton Sewer Project. Mr. Lamy stated that if the Committee was not agreeable to this suggestion, there were alternate options available for the use of the remaining grant funds, such as applying them to the Hague Sewer Project to reduce the amount of money borrowed by the Town of Hague for their portion of the Project.

Following further discussion on the matter, it was the consensus of the Committee that the remaining grant funds should be retained for use in connection with the Town of Bolton's portion of the Sewer Project.

Motion was made by Mr. Conover, seconded by Mr. Bentley and carried unanimously to approve the request to authorize the Chairman of the Board to sign a contract with CT Male Associates for an EWA in the amount of \$32,000 and the necessary resolution was authorized for the March 19th Board meeting. *A copy of the request is on file with the minutes.*

Concluding the agenda review, Mr. Lamy addressed the listing of items pending from prior Committee meetings which he detailed as follows:

1. Mr. Lamy apprised that no new information was available relative as to whether a means was necessary to recover some of the funds expended for additional construction inspection services in connection with the Hague Sewer Project as a result of delays in the direction drilling process. He said that he would need to discuss the matter further with the County Attorney and would keep the Committee apprised of any new developments on the matter.

As there was no further Sewer business to present, privilege of the floor was extended to Paul Butler, Director of Parks, Recreation & Railroad, to begin the Parks, Recreation & Railroad portion of the meeting. Mr. Butler distributed copies of the meeting agenda, a copy of which is also on file with the minutes.

Commencing the agenda review with Item 1, Mr. Butler presented a request to amend Local Law No. 7 of 1978, pertaining to the rules and regulations for use of the Warren County Bikeway, to allow snowmobile use on the section of the Bikeway between Fort George and Bloody Pond Roads during winter months to provide a connection between the Warren and Washington County snowmobile trail systems. He then introduced Mike Fazio, President

of the South Warren Snowmobile Club, who was in attendance to speak on the matter.

Mr. Fazio began by thanking the Committee for their support of the snowmobile clubs over the years, as well as their financial contributions thereto, and he said he worked diligently to ensure that the funding provided to the South Warren Snowmobile Club was spent wisely. Mr. Fazio apprised that expanding the trail systems would lend economic benefits to the area by offering connections to eastern New York, New Hampshire, Vermont and even Canada. He apprised that the proper permissions had been secured from each landowner along the trail, aside from the section of the Bikeway referred to by Mr. Butler which they sought to use.

Mr. Belden noted that use of snowmobiles along the paved areas of the Bikeway when there was not sufficient snow could lead to some destruction and Mr Butler apprised that he had already discussed this issue with Mr. Fazio and a determination had been made that the trail would be closed to snowmobile use when snow conditions were lacking.

Mr. Fazio displayed a map of the proposed snowmobile trails and crossings which the Committee reviewed as a group. Mr. Champagne said he questioned the liability issues that might arise in connection with the crossing indicated for traversing Bay Road in the Town of Queensbury, as well as any liability issues that might occur by allowing snowmobile use on the Bikeway along with other foot traffic and cross-country skiers. Mr. Fazio advised that the current trail system included many crossings on County roads which were always located in areas that allowed proper visibility for both the snowmobile rider and oncoming traffic to ensure safety for all involved parties and he said that the location of the Bay Road crossing had been determined in the same manner.

Mr. Dusek said he agreed with Mr. Champagne's concern regarding liability issues associated with multiple types of users on the Bikeway. He noted that there were many facets to consider as the Bikeway could be used by cross-country skiers, snowshoers, ATV's and snowmobiles; he added that there were also liability issues to consider pertaining to snowmobile crossings on County highways. Mr. Dusek said he would need more information regarding the ways in which the trail system had been developed to determine if all of the issues had been addressed. Mr. Fazio responded that all of the users indicated by Mr. Dusek were currently using the Bikeway simultaneously, they were simply asking the County to authorize legal use for snowmobiles. He added that the snowmobile clubs were the only users of the Bikeway who were willing to groom trails as necessary and carried a \$3 million liability insurance policy that would be accessible if use of the Bikeway was approved. Mr. Fazio advised that once County approval was given, signs would be placed along the Bikeway detailing the section that was intended for multiple users, limiting speed and indicating any other rules for the trail. Once these signs were placed, he said, it would be up to the local law enforcement to regulate the rules and issue tickets for any mis-use.

Mr. Tennyson apprised that he had contacted NYSDEC to gain information on how the State addressed multiple users on its trails and he said he had found that any trails crossing State land authorized multiple use, including those in the Warren County trail system. He said that NYSDEC had not provided any specific recommendations on the matter, but had advised that education measures could be taken to place signs indicating the rules of the trails and how multiple use traffic should be addressed, as well as to indicate other areas available for specific types of activities, such as snow shoeing and cross-country skiing. Mr. Tennyson said that the DPW had no issue with allowing multiple types of use along the Bikeway, but would like to work out some control measures that could be implemented in connection with the Snowmobile Clubs, including the introduction of speed limits. He noted that the section of the Bikeway the Snowmobile Clubs sought to use allowed plenty of visibility which was favorable for multiple users.

Mr. Tennyson advised that trial cameras had been posted along the section of the Bikeway in question to determine

what types of activities it was being used for. He said that during a 10-day period from January 29th to February 8th there had been four users, all of which were snowmobile riders. Mr. Tennyson stated that the trail camera had been employed once again after the recent snowstorms and they had captured 22 users, all of which had been riding either snowmobiles or ATV's.

Mr. Dusek noted that because there seemed to be no other users for this section of the Bikeway, an effective way to eliminate liability issues might be to devote this section solely to snowmobile use for the winter months. He said that although he was not in favor of limiting opportunities for all users, there did not appear to be a high level of interest in this section of the Bikeway.

Subsequent to further discussion on the matter, it was the consensus of the Committee that this issue should be tabled for further consideration at the next meeting.

Resuming the agenda review with Item 2, Mr. Butler presented a request to forward all future snowmobile grant funds to the Warren County snowmobile clubs immediately upon formal receipt with the request for the necessary budget amendment to be presented at the following Committee meeting. He explained that he had discussed the matter with the Treasurer's Office and they had agreed that the immediate release of grant funding would allow monies to be distributed to the Clubs about a month earlier and would help with their operations. When asked for his comments on the matter, Mr. Dusek stated that this sounded like a positive measure to ensure administrative efficiency.

Motion was made by Mr. Bentley, seconded by Mr. Conover and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the March 19th Board meeting. *A copy of the request is on file with the minutes.*

Continuing to Agenda Item 3, Mr. Butler invited everyone to attend the pancake breakfast and Maple Festival scheduled to be held at the Up Yonda Farm on March 7th. He noted that the a flyer announcing the details of the event was included in the agenda.

Mr. Butler advised that Agenda Item 4 consisted of two follow-up items from the January 26th Committee meeting pertaining to the Warren County Railroad. The first, he said, referred to the ridership figures previously presented by Upper Hudson River Railroad (UHRR) which had been deemed inaccurate as they excluded statistics for special events, bus tours and Americade business; he added that the agenda included a chart reflecting updated ridership figures which were somewhat higher than those previously reported. Mr. Butler said that the second issue pertained to whether the tracks were conducive to freight traffic. He apprised that he had researched the matter and had discovered that the tracks were ready for freight traffic, but might require the replacement of two greasing mechanisms. Mr. Butler advised that the tracks owned by the Town of Corinth would allow for freight traffic once the current upgrades were completed.

Concluding the agenda review, Mr. Butler addressed the listing of items pending from prior Committee meetings which he detailed as follows:

1. Respective to the Stony Creek Platform, Mr. Dusek advised that the matter had been placed on hold until a decision was made for the future of the railroad. He noted that there were some minor issues that could be addressed quickly once a decision was made. Mr. Belden stated that grant funds had been identified for the construction of the Platform and he questioned when they would expire to which Mr. Butler responded that the grant funds would be available until December 31, 2010;
2. Mr. Dusek advised that the issues regarding possible contamination on the Kellogg Property had

finally been resolved and they were ready to proceed with the transfer of the property from OSI (the Open Space Institute) to the County. He distributed copies of a document entitled "Exhibit D" which outlined the requirements for conveyance of the property, including requirements for retention and maintenance of the buildings located on the property; acceptable uses for the buildings and vacant property; allowances for the property grantor to periodically inspect the property to ensure that use regulations were being followed; and extending OSI the right of first refusal if the County decided to sell the property in the future. *A copy of this document is on file with the minutes.*

When questioned on the matter, Mr. Butler advised there were three buildings located on the Kellogg Property consisting of a historic barn, the T-building and a third building which was basically collapsed but could be recovered with some work. He noted that grant funding was available to recover the dilapidated building due to its historical value and that was why it had not been demolished to form a picnic pavilion. Mr. Butler said the foundation for the historical barn building required restoration and there were no water or sewer facilities for any of the buildings on the property.

Mr. Pitkin questioned whether the available grant funding was sufficient to support the work needed for all three buildings and Mr. Butler replied that \$200,000 was available, but he was unsure if this would be enough to support all of the restoration work needed. Mr. Pitkin advised that he would be reluctant to vote in favor of the acquisition of the Kellogg Property until the total restoration costs were known as this could lead to considerable maintenance costs for the County.

Following further discussion on the matter, it was the consensus of the Committee that the property acquisition issue be tabled until further information was available relative to restoration costs for the buildings located on the Kellogg Property.

3. Respective to the issuance of a second RFP (request for proposal) for the 2011 Railroad Operator Contract, Mr. Dusek said that as a result of the last Committee meeting it had become apparent that revision of the prior RFP would be necessary. In continuance of this idea, Mr. Dusek said he had met with Mr. Butler and John Lemery, legal counsel for the Town of Corinth, to discuss the matter further. He said it was determined that more information needed to be gathered before the RFP could be revised in order to assure bidders that the train would be traveling from the North Creek Station to the Saratoga Springs Station, as well as to ensure the availability of freight rights. Mr. Dusek apprised that there were currently issues with the connectivity with the CPR (Canadian Pacific Rail) tracks that needed to be revised in order to reach the Saratoga Springs Station and the ability to provide freight service along the section of tracks owned by the Town of Corinth; however, he noted, the Corinth tracks were currently being upgraded to allow such use and the work was anticipated to be complete on July 1, 2010. Mr. Dusek apprised that CPR had some interest in establishing a connection, but further discussion was needed to secure permissions and understand the nature of the associated rights of use. He said that they had begun the first stage of the process to further the issuance of a second RFP, which was gathering pertinent information, with the next step being negotiations for acquiring freight and connection rights. Mr. Dusek noted that there had been some discussion about holding another Committee meeting to discuss the matter during the following week, but he suggested that the meeting be postponed until a later date as felt there was not sufficient information available to review. Mr. Belden said that he agreed with Mr. Dusek's assessment and advised that a special Committee meeting should be called when the appropriate information was available for consideration;
4. Referring to the Committee's previous authorization to release an RFP for the sale of the caboose

located at the Riparius Station, Julie Pacyna, Purchasing Agent, questioned whether a minimum bid should be included in the RFP so that only serious inquiries would be received. Mr. Belden responded that he felt there should be no restrictions placed on the bid and Mr. Pitkin agreed, noting that they had the right to refuse the bids if they were insufficient. As the Committee was in agreement, it was determined that no minimum bid restrictions would be included in the RFP for the caboose sale.

Mr. Butler said that he had a final item to present which was not included on the agenda, in the form of a referral from the Real Property Tax Services Committee meeting held on the previous day regarding the sale of the Fairgrounds property. He noted that the portion of the property to be sold included an estimated value of \$75,000 and a bid had been received to purchase it for \$61,500, which the Board of Supervisors had subsequently refused. Mr. Champagne stated his opinion that the bid amount was a reasonable offer for the property and he felt that the Board should reconsider their decision and allow the sale. He further noted that the bidder had presented some favorable ideas for use of the property. Chairman Monroe clarified that the bidder intended to continue to use the parcel as a fairgrounds property, provided that the County refrained from placing any restrictions on the parcel that would limit such use.

Mr. Thomas said he was a member of the Real Property Tax Services Committee and apprised that the matter had been referred back to the Public Works Committee to discuss the costs associated with the maintenance of the property if the County were to retain it. He noted that the County had failed to properly maintain the parcel and its buildings and he felt they should sell it rather than continue to let it fall into disrepair. When questioned on the matter, Mr. Butler advised that the use of the Fairgrounds property generated approximately \$1,200 to \$1,500 per year but incurred annual maintenance costs of \$10,000 to \$20,000.

Mr. Conover noted that there were statutes in place which required the acquisition of alternate parklands if another designated parkland parcel were sold and he questioned whether the Fairgrounds property fell into this category. Mr. Dusek replied that was aware of the statute Mr. Conover referred to but was unsure if the measures applied in this situation. He said that he would research the matter and return to the Committee with his findings.

Following a brief conversation on the matter it was the consensus of the Committee that this issue would be tabled for further review when Mr. Dusek had completed his research. The Committee also determined that a letter should be forwarded to the bidder noting that their offer for purchase of the Fairgrounds property was being reconsidered.

As there was no further business to come before the Committee, on motion made by Mr. Pitkin and seconded by Mr. McCoy, Mr. Belden adjourned the meeting at 12:28 p.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist